

### **REMARKS**

Claims 1-33 are now pending in the application. Claims 1-33 stand rejected. Claims 5, 25 and 30 have been cancelled herein. Claims 1, 6, 14 and 24 have been amended. Bases for the amendments can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **DRAWINGS**

The drawings stand objected to for failing to show every feature of claims. Applicant has cancelled Claim 5 and therefore this rejection has been rendered moot. Reconsideration and withdrawal of this objection is respectfully requested.

### **CLAIM AMENDMENTS**

The claims are presently amended to further clarify the presently pending claims for consideration and to correct minor informalities. Applicants submit that the present amendments to the claims clarify the various elements of the claims previously presented and are in line with the Applicants' previous arguments and amendments. Thus, the amendments to the claims herein do not require a new search.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 5 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

As Claim 5 has been cancelled, this rejection has been rendered moot. Reconsideration and withdrawal of this rejection is respectfully requested.

## REJECTION UNDER 35 U.S.C. § 102

Claims 1-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mamykin (WO Pat. No. 96/6533; hereinafter "Mamykin"). This rejection is respectfully traversed.

With regard to Mamykin, Applicants note that Mamykin appears to disclose an aircraft with trim control including a frame 1 and a flexible wing 3. The frame 1 includes lateral beams 7, 8 and rods 29 that are secured by a hinge or hinge units 10, 14, 19, 30, 32, 34. The hinge units 10, 14, 19, 30, 32, 34 are spring loaded cylindrical elements 16, 41 disposed between opposing hinges, with the hinges secured to each end of the lateral beams 7, 8. In contrast, independent Claim 1 has been amended to recite:

...the right side forward wing section and the left side forward wing section connected to the right side rearward wing section and the left side forward wing section, to enable **the right side forward wing section and the left side forward wing section to both move a selected distance from the right side rearward wing section, and to enable the left side rearward wing section to define an opening** between the left side and right side forward wing sections and the left side and right side rearward wing sections with no other portion of the aerodynamic body being positioned in the opening (emphasis added).

Further, independent Claim 14 has been amended to recite:

the **relative movement** of the right side forward and rearward wing sections and left side forward and rearward wing sections **defining an opening between the right and left forward wing sections and the right and left rearward wing sections** (emphasis added).

Independent Claim 24 has been amended to recite:

the forward wing being connected to the rearward wing for **relative movement of the forward wing and the**

**rearward wing between a first position and a second position to define the opening; and  
the opening having a shape that changes on movement of the forward and rearward wings between the first and second relative positions (emphasis added).**

In view of the above discussion, Applicants respectfully assert Mamykin does not disclose each element of Applicants' Claims 1, 14 and 24. In this regard, Mamykin does not disclose right and left side forward wing sections that are connected to right and left side rearward wing sections to enable the right and left side forward wing sections and the right and left side rearward wing sections to move a selected distance to define an opening, a relative movement of the right side forward and rearward wing sections and left side forward and rearward wing sections defining an opening, or a forward wing being connected to the rearward wing for enabling movement of the forward wing and the rearward wing between a first position and a second position to define an opening as claimed herein. Further, Mamykin does not disclose the opening having a shape that changes on the movement of the forward and rearward wings.

Rather, Mamykin discloses providing bindings 23 to provide geometric invariability to the structure (see at least page 17, second paragraph). Thus, at best, Mamykin involves a structure with a fixed, defined, geometric shape, and teaches away from a structure that is capable of moving to define an opening between the forward wing sections and the rearward wing sections, or a structure whose movement varies the shape of the defined opening as claimed. Furthermore, Mamykin does not disclose whatsoever any movement of his structure to define an opening.

Accordingly, in view of the above discussion, Applicants respectfully assert Mamykin does not disclose each and every element of Applicants' independent Claims

1, 14 and 24, for at least these reasons. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 1, 14 and 24 under 35 U.S.C. § 102(b).

With regard to Claims 2-4, 6-13, 15-23, 26-29 and 31-33, Applicants note that Claims 2-4, 6-13, 15-23, 26-29 and 31-33 depend directly or indirectly from either Claims 1, 14 or 24, and thus, should be in condition for allowance for the reasons set forth for Claims 1, 14 and 24, above. With regard to Claims 5, 25 and 30, as these claims have been cancelled, the rejection to these claims has been rendered moot. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claims 2-4, 6-13, 15-23, 26-28 and 31-33 under 35 U.S.C. §102(b).

Claims 1-9, 11-19 and 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Garrett (U.S. Pat. No. 5,899,410; hereinafter "Garrett"). This rejection is respectfully traversed.

At the outset, Garrett appears to involve a joined wing aircraft 10 in which the fuselage 12 forms the leading edge of the aircraft 10. In contrast, independent Claim 1 has been amended to recite:

**...the left side and right side forward wing sections forming a leading edge of the aerodynamic vehicle...(emphasis added).**

Further, independent Claim 14 has been amended to recite:

**...the left side and right side forward wing sections forming a leading edge of the aerodynamic vehicle...(emphasis added).**

In view of the above discussion, Applicants respectfully submit Garrett does not appear to disclose each and every feature of Applicants' Claims 1 and 14. Specifically, Garrett appears to disclose the fuselage 12 as the leading edge of both the aircraft 10 and the missiles (as discussed in regard to Fig. 9). Garrett does not disclose whatsoever the forward wing forming a leading edge of the aircraft. Furthermore, there is no teaching or suggestion in Garrett for making such a modification. Accordingly, as Garrett does not teach and disclose each and every element of Applicants' independent Claims 1 and 14, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claims 1 and 14 under 35 U.S.C. §102(b).

With regard to Claims 2-4, 6-9, 11-13, 15-19 and 21-23, Applicants note that Claims 2-4, 6-9, 11-13, 15-19 and 21-23 depend directly or indirectly from either Claims 1 or 14, and thus, should be in condition for allowance for the reasons set forth for Claims 1 and 14, above. With regard to Claim 5, as this claim has been cancelled, the rejection to this claim has been rendered moot. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claims 2-4, 6-9, 11-13, 15-19 and 21-23 under 35 U.S.C. §102(b).

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 10 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett. This rejection is respectfully traversed.

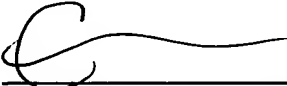
Claims 10 and 20 depend indirectly from Claim 1 and 14, respectively, and thus, should be in condition for allowance for the reasons set forth for Claims 1 and 14, above. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claims 10 and 20 under 35 U.S.C. §103(a).

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 8/29/00

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